



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 09/718,761 | 11/22/2000 | Paulus Gerardus Roetenberg | MBHB00-1238 | 2717 |

20306 7590 06/18/2003

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER

RAMIREZ, RAMON O

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,761

Applicant(s)

ROETENBERG, PAULUS
GERARDUS

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,11,15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,11,15,17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2003 has been entered.

Detailed Action

This is the fourth Office Action corresponding to amendment filed May 19, 2003

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Netherlands on Nov 22, 1999. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

Specification

A substitute specification is required. The instant one is of bad quality, hard to read (blurred) and with insufficient top margin. As per Applicant's request, this requirement will be held in abeyance pending allowance of the claims.

Claim Rejections - 35 USC § 112

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claims is drawn a product holder; however, a product holder is already recited in claim

Claim Rejections - 35 USC § 103

Claims 1, 5, 11, 15, 17, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil (5,960,967) in view of Kohout (1,132,190).

The reference to Neil shows a device comprising a rail like member having a slot (12) and a hook (16) with an anchor member (15). The reference to Kohout shows a device having a telescopic rail like member for adjusting the length of the member. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Neil with telescopic members as shown by Kohout to adjust the length of the device and make it more versatile and easy to storage. To use a ball as the anchor means, as the material from which said anchor means is made, and the shape of the edges of the slot are considered as obvious matter of engineering choice having no patentable significance.

Response to Arguments

Applicant's arguments filed on May 19, 2003 have been fully considered but they are not persuasive. Applicant argues that Neil does Kohout does not show rotatably attached hooks. The patent to Neil does not show the hooks rotatably attached; however, in Col 2, lines 4 and 5, states "the hook elements may be non-circular and arranged to be non-rotatably held". Emphasis is made to the clause **may be**, which indirectly teaches that a circular connection would permit rotation, and also leave such modification open. Applicant argues that too much emphasis is being given to the may be clause, and that it should be constructed as 'must be'. The examiner disagrees. Neil clearly uses may be, not should be, or must be. As indicated above, when the clause may be is used, it leaves open for other interpretation. In this particular case, Neil indirectly teaches that circular anchor means would permit rotation. Even Neil preference is the non-rotatable hooks, it does not preclude other from using rotatable hooks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramírez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday and alternate Fridays.

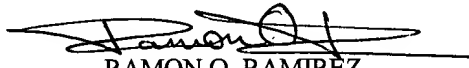
The fax numbers for this Group are (703) 872-9326 (official papers), (703) 872-9327 (official after final papers) and (703) 308-3519 (for informal papers). Our Customer service fax number is (703) 872-9325.

Art Unit: 3632

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

R.O.RAMIREZ
June 17, 2003



RAMON O. RAMIREZ
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600
ART UNIT 3632